



City of Loma Linda Official Report

Floyd Petersen, Mayor
Karen Gaio, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: October 14, 2003

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk

SUBJECT: Minutes of September 23, 2003

RECOMMENDATION

It is recommended that the City Council approve the Minutes of September 23, 2003.

City of Loma Linda

City Council Minutes

Regular Meeting of September 23, 2003

A regular meeting of the City Council was called to order by Mayor Petersen at 6:03 p.m., Tuesday, September 23, 2003, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present: Mayor Floyd Petersen
Mayor pro tempore Karen L. Gaio
(Arrived 7:00 p.m.)
Robert H. Christman
Stan Brauer
Robert Ziprick

Councilman Absent: None

Others Present: City Manager Dennis Halloway
City Attorney Richard E. Holdaway

CC-2003-126 – Closed Session – Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)

Property: City-owned acreage south and westerly of the prolongation of Mt. View Avenue
Negotiating Parties: Dennis R. Halloway, Empire Homes
Under Negotiation: Price and terms of payment

The City Council immediately recessed to consider the item as listed. Mayor pro tempore Hansberger was absent. The City Council reconvened at 7:07 p.m. and City Attorney Holdaway announced that the City Counsel met with its Negotiator and gave direction. There was no final action to report.

[Mayor pro tempore Hansberger arrived 7:00 p.m.]

Councilman Brauer led the invocation and Pledge of Allegiance. No items were added or deleted. Mayor Petersen commented briefly on his recent trip to Cambodia.

Scheduled and Related Items

CC-2003-127 – Leonard Paulitz, Montclair City Councilmember/San Bernardino County AQMD Representative – AQMD Status Report

Mr. Paulitz introduced Larry Hart, Mayor of the City of Montclair, and then presented an oral report relating to measures implemented in order to comply with the Federal regulations regarding emissions and clean air. A question-and-answer period followed and Mr. Paulitz was thanked for his presentation.

CC-2003-128 – Public Hearing – Council Bill #R-2003-44 – Establishing the Water Development Fee for 1-inch meters for single-family residences at the same rate as for ¾-inch meters and repealing Resolution 2191

Mayor Petersen opened the public hearing and Director of Public Works Thaipejr presented the report into evidence, stating that a typical single-family residence required a ¾-inch meter in order to accommodate the demand for water; a 1-inch meter is required for a fire sprinkler system. However, the larger sized meter would not increase the demand for water usage for residential purposes, only emergency purposes. He then recommended that the fee for the 1-inch meter be reduced to that of a ¾-inch meter.

No other public testimony was offered and the public hearing was closed.

Motion by Christman, seconded by Hansberger and unanimously carried to adopt Council Bill #R-2003-44.

Resolution No. 2301

A Resolution of the City Council of the City of Loma Linda, California establishing a citywide water development fee and repealing Resolution No. 2191

CC-2003-129 – Consent Calendar

Motion by Ziprick, seconded by Hansberger and unanimously carried to approve the following items:

The Demands Register dated September 23, 2003 with commercial demands totaling \$500,534.80 and payroll demands totaling \$168,747.14.

The Minutes of August 26 and September 9, 2003 as presented.

The August 2003 Treasurer's Report for filing.

The August 2003 Department of Public Safety Report for filing.

A policy to allow interim/long-term uses of public property for community benefit.

Council Bill #R-2003-45.

Resolution No. 2302

A Resolution of the City Council of the City of Loma Linda, supporting a statewide ballot initiative to require voter approval before state government may take local tax funds

Council Bill #R-2003-46.

Resolution No. 2303

A Resolution of the City Council of the City of Loma Linda, certifying industrial disability and eligibility for retirement pursuant to Government Code Section 21156 and repealing Resolution No. 2298

The City Council recessed at 7:31 p.m. and reconvened with all members present at 7:35 p.m.

Old Business

CC-2003-130 – Council Bill #O-2003-5 (First Reading/Set Second Reading for October 14) – Amending the Loma Linda Municipal Code relating to parking regulations

Mayor Petersen asked that the item be continued, and that it be re-advertised for public hearing.

Motion by Ziprick, seconded by Hansberger and unanimously carried to continue the item and direct Staff to advertise for public hearing.

CC-2003-131 – Discussion regarding possible closure of Beaumont Avenue, including reports from the Trails Development Committee, Traffic Advisory Committee, and Planning Commission

Mayor Petersen introduced the item, stating that it appeared that interest in closing Beaumont Avenue was due to the train whistles. He also stated that the city's circulation and transportation element, of which Beaumont Avenue was an integral part, would be discussed in the update of the City's General Plan and its Circulation Element, which required public hearings.

He also stated that the bridge, to replace the Bailey bridge spans that were removed and were pending relocation, was being designed as part of the San Timoteo Creek Improvement Project. The U. S. Corps of Engineers estimated completion of the bridge design by May 2004; advertising for bids would occur in June 2004; construction would begin in August 2004, with completion occurring in December 2004.

In response to questions relating to the General Plan, Community Development Director Woldruff stated that the traffic modeling had been completed, and public hearings were anticipated for November and December before the Planning Commission and after the first of the year before the City Council. The procedure would involve the EIR process as well.

Mayor Petersen continued that only a small portion of the bridge was within the current City Limits of Loma Linda, the remaining portion was within the City's Sphere of Influence within the County area.

Mayor Petersen then called upon City Attorney Holdaway, who commented on the legal issues related to closure of a street that had been in use, stating that the City could pursue the closure of

Beaumont Avenue, but only in very limited circumstances. The California Vehicle Code addressed the circumstances, the first of which was if the street were no longer needed for vehicular traffic. This would not technically apply to the particular situation because the roadway was not abandoned or had not been used. In fact, it appeared that Beaumont Avenue had fairly regular use and the reason for the desire on the part of some to close the roadway was because of that usage and some of the incidental impacts of the usage. The second alternative under the Vehicle Code allowed cities to regulate roadways by way of implementation of the Circulation Element of the General Plan consistent with the health and safety of citizens. The courts determined that it is not appropriate to close a roadway that has regional significance under this provision of the Vehicle Code. The court cases focus heavily on the affects on public safety and the rights of the traveling public, even from outside of the city, to travel over an existing roadway.

He elaborated that some of the cases pertaining to street closures involved heavy traffic where certain neighbors on the border of another city sought to close a roadway to avoid that traffic going through their residential area. Uniformly the courts rejected this method for street regulation.

Mr. Holdaway added that in light of the staff report and input from the committees, he would advise the City Council that it would be very difficult to permanently close Beaumont Avenue under the current factual situation. The final decision and the making of required findings as outlined in his memorandum would be for City Council determination. The staff report also indicated that if the City Council did wish to pursue the street closure, environmental review under CEQA would be a prerequisite. Under the current General Plan review, environmental review was ongoing, but it would be appropriate to complete the review, at least as to this particular issue, prior to taking any action if the City Council did wish to pursue the closure. If the City Council did not wish to pursue the matter, there would be no need for environmental review.

Those favoring re-opening Beaumont Avenue upon completion of the creek improvements and installation of the bridge were: James Perry, 25535 Orange Crest Way, Jim McIntosh, 25109 Van Leuven Street; Tami Swigart, 26253 Crest Haven Court; David Barakian, 11464 Via Lido. Several others indicated their agreement by standing.

A summarization of comments is as follows:

- 1) Due to development of the area, there needs to be more routes into and out of the southeastern portion of the community.
- 2) Beaumont Avenue is a main route into the southeastern part of the community.
- 3) Beaumont Avenue has been used for decades as a link to other areas.
- 4) Areas within the City's Sphere of Influence need fire and police services.
- 5) The closure of Beaumont Avenue would create an undue burden on other city streets.
- 6) It would be a misuse of tax dollars used to widen and improve Beaumont Avenue in the area west of the bridge.
- 7) Residents purchasing homes in the area were aware of the prominence of Beaumont Avenue.
- 8) Accessibility into and out of Loma Linda via Beaumont Avenue allows for the free exchange of goods, services and travel between Loma Linda and neighbors to the east without overburdening other areas of Loma Linda.
- 9) Permanent closure of Beaumont Avenue would deny benefits to the city at large in favor of serving relatively few citizens.
- 10) The Redlands Unified School District uses Beaumont Avenue extensively as a school bus route.

Noel Christensen, 25831 Emerson Street favored permanently closing Beaumont Avenue and offered the following comments:

- 1) Beaumont Avenue is two miles long between Mt. View Avenue and the San Timoteo Creek and doesn't connect regionally significant areas at either end.
- 2) Beaumont Avenue is a two-lane connector road and is defined in the Circulation Element of the General Plan as a road that will collect traffic from subdivisions and carry them to a secondary highway, such as Mt. View Avenue.
- 3) San Timoteo Canyon Road, which connects to Beaumont Avenue, is a two-lane road, but eventually will probably be a four-lane road, which has a traffic signal at Barton Road, making it easier for traffic to get to Barton Road and progress either east or west.
- 4) Since the City is currently updating the General Plan and part of that is the Circulation Element, evaluating the possibility of closing Beaumont Avenue could be considered at this time.
- 5) The Circulation Element should take into account the properties on the south side of Beaumont Avenue (the South Hills) yet to be developed. When the area between San Timoteo Creek and Mt. View Avenue is developed, there will most likely be three to four

connections to Beaumont Avenue, with Wellesley, Whittier and Bryn Mawr being the three most likely connections.

- 6) There will be 5,000 to 7,000 vehicle trips per day from the South Hills, which will cause problems for residents in the area.
- 6) The Circulation Element could be modified to say that the vehicular traffic coming out of the South Hills to the southeast area of the City is going to cause health and safety issues for the residents of the area.
- 7) Permanent closure of Beaumont Avenue would be in line with testimony at the time that the San Timoteo Creek Reach 3b EIR was prepared in that there is no mention of adverse health and safety impacts during the 16-18 month closure of the road during construction of the improvements to San Timoteo Creek.

Mayor Petersen commented that:

- 1) Beaumont Avenue connects portions of Loma Linda, the County of San Bernardino and the City of Redlands.
- 2) At the present time, there probably would not be an impact on the health and safety of anyone living in the area east of the Creek because there is little or no development on the other side of San Timoteo Creek.
- 3) When houses and businesses are built on the other side of San Timoteo Creek, it would be Loma Linda's responsibility to provide services, including emergency services, to the area, and now is the time to plan for that.
- 4) When the property develops on the south side of Beaumont Avenue, much of that traffic will enter Beaumont Avenue and go east towards Redlands.
- 5) If Beaumont Avenue were closed, that same traffic would have to go down Whittier, Bryn Mawr (past an elementary school), or Mt. View in order to turn east.
- 6) If the City were to consider closing one of the two railroad crossings in the City, Whittier Avenue should be considered.

Councilman Ziprick also commented that due to the temporary closure of Beaumont Avenue during the construction project, traffic has impacted other areas of the community.

Trails Development Committee Chairman Walling presented the Committee's recommendation to open Beaumont Avenue upon completion of the bridge and to look into the possibility of obtaining a permanent easement along the west side of the railroad tracks (where Beaumont Avenue meets the railroad tracks) for purposes of trails (walking, running, bike riding).

Planning Commissioner Roberts stated that the Commission was unanimous in its recommendation to re-open Beaumont Avenue. She added that she would support relocating the bridge to another area to connect to San Timoteo Canyon Road, but it was essential that Beaumont Avenue be re-opened.

Parks, Recreation & Beautification Committee Chairman Swigart stated that although the Committee was not tasked to study the item and prepare a recommendation, the Committee did discuss the issue. He noted that the added traffic in front of the Bryn Mawr Elementary School has added to the congestion in the area and with the development of the South Hills, the problem in the area of the school could only worsen unless Beaumont Avenue were re-opened.

Motion by Christman, seconded by Ziprick to deny the petition requesting the abandonment of Beaumont Avenue and that it be re-opened at its present location.

Councilman Brauer commented that the City Council is sympathetic to the problems in the Beaumont Avenue area, and will make an effort to remedy the situation through traffic calming measures, separation and beautification projects to separate pedestrians and vehicles and make the area more attractive, as well as to continue to work with federal and railroad representatives to arrive at possible solutions to the train whistles.

Councilman Ziprick concurred with Councilman Brauer's comments, particularly the train whistles, and Mayor Petersen supported designing the roadway to separate vehicles from pedestrians, since the roadway is used for recreational purposes as well as a vehicular transportation route.

The Mayor then called for the vote, which **carried unanimously.**

Reports of Councilmen

Mayor pro tempore Hansberger reported on recent IVDA consideration relating to a fair and equitable manner to deal with projects of its member cities within the IVDA area of those cities. There was a tentative agreement that the cities retain the tax increment from base line to an

amount the project would generate as long it did not involve the former Norton Air Force Base area or an area within one-half mile of the former NAFB.

She also commented on the fund raising efforts for improvements to the area commonly known as the Southern California Edison Easement between Beaumont Avenue and Hinckley Street, noting that all but \$10,000 had been raised. Donations of \$100 were being accepted for the purchase of trees, which included a plaque in recognition of the donor. A ribbon cutting ceremony would be planned for the near future.

Councilman Brauer commented that he recently installed a solar electric panel system and noted that State tax credits were available to assist with the cost, should others be interested.

Reports of Officers

Director of Public Safety Crawford reported on the September 12 fire in the South Hills, called the Prado Fire because of its origin, and thanked those agencies that assisted. He stated that no structures were lost and no one was injured.

The meeting adjourned at 8:44 p.m.

Approved at the meeting of

City Clerk